

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are presently active in this case, Claims 1-4 having been amended and Claims 5-14 having been added by way of the present Amendment. Care has been taken such that no new matter has been entered.

In the outstanding Official Action, Claims 1-4 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 2 have been amended to remove the antecedent basis problems discussed on page 2 of the Official Action. The claims have been amended to clarify the references to the "flaps." Additionally, Claim 1 has been amended to indicate that the structure recited therein is configured such that the various manipulations discussed in the claim can be performed in order to achieve the structure interrelations defined in the claim. The Applicant respectfully submits that Claims 1 and 2 are definite as they clearly define the metes and bounds of the claim to one of ordinary skill in the art. Claims 3 and 4 clearly define a punched and crease-lined cardboard sheet configured to form the display box recited in Claims 1 and 2, respectively. Claims 3 and 4 thus clearly recite a cardboard sheet that can be used to form the display box having the features defined in Claims 1 and 2, respectively. The Applicant submits that Claims 3 and 4 clearly recite the claimed invention in a manner that clearly defines the metes and bounds of the claims to one of ordinary skill in the art. Accordingly, the Applicant respectfully requests the withdrawal of the indefiniteness rejections.

Claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by, or alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over, EP 0 699 588 A1. Claims 1, 3, and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by, or alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over, Lo Duca (U.S. Patent No. 5,540,330). For the reasons discussed below, the Applicant traverses the above art rejections.

The Applicant notes that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. Additionally, the Applicant notes that the basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that independent Claim 1 of the present application is not anticipated by, or rendered obvious in view of, either of the cited references, since the references fail to teach or even suggest all of the limitations recited in independent Claim 1.

Claim 1 of the present application recites a display box comprising, among other features, four side walls having lower ends and, respectively, upper ends from which there project a bottom lid and respectively a top lid. The box also comprises upper and lower elongate flaps, where at least one of the lower elongate flaps forms for the container a support which is spaced from the bottom lid of the box, and wherein the upper elongate flaps are

configured to form, for the top of the container, a pressing structure which is spaced from the top lid and includes the features defined in Claim 1 such as, for example, a surface arranged to rest and press on the top of a container and substantially semiarch-shaped surfaces that securely retain laterally a lateral surface of the container. The Applicant submits that the cited reference fail to disclose or even suggest all of the above features.

The EP 0 699 588 A1 reference appears to depict a package that includes a bottom support (16) that is configured to support a bottom of the container housed within the package, where the bottom support is spaced from a bottom lid of the package. However, the EP 0 699 588 A1 reference does not appear to disclose or even suggest upper elongate flaps that are configured to form, for the top of the package, a pressing structure which is spaced from a top lid and includes the features defined in Claim 1, such as a surface arranged to rest and press on the top of a container and substantially semiarch-shaped surfaces that securely retain laterally a lateral surface of the container. The package of the EP 0 699 588 A1 reference does not include such a pressing structure that is spaced from the top lid.

The EP 0 699 588 A1 reference does not disclose a pressing structure that is spaced from a top lid. Thus, the Applicant notes that the package depicted in EP 0 699 588 A1 reference renders a container housed therein susceptible to impacts on the top of the package. Expensive products, such as facial creams, etc., can be stored within aesthetically pleasing glass containers, which are extremely fragile and heavy and which must be protected against impacts while stored within such a package. The structure of the package depicted in EP 0 699 588 A1 reference is distinctly different from the box recited in Claim 1 of the present

application in that it fails to include a pressing structure that is spaced from a top lid, thereby disadvantageously rendering a container housed therein susceptible to impacts.

The Lo Duca reference depicts a box that includes a feature (44) that is configured to support a bottom of the container housed within the box, where the bottom support is spaced from a bottom lid of the box. However, the Lo Duca reference does not disclose or even suggest upper elongate flaps that are configured to form, for the top of the box, a pressing structure which is spaced from a top lid and includes the features defined in Claim 1, such as a surface arranged to rest and press on the top of a container and substantially semiarch-shaped surfaces that securely retain laterally a lateral surface of the container. The box of the Lo Duca reference does not include such a pressing structure that is spaced from the top lid.

Since the Lo Duca reference does not disclose a pressing structure that is spaced from a top lid, the Applicant notes that the package depicted in Lo Duca reference renders a container housed therein susceptible to impacts on the top of the package, for the same reasons as discussed above with respect the package of the EP 0 699 588 A1 reference. The structure of the box depicted in Lo Duca reference is distinctly different from the box recited in Claim 1 of the present application in that it does not include a pressing structure that is spaced from a top lid.

Furthermore, the Applicant notes that the EP 0 699 588 A1 reference and the Lo Duca reference do not disclose features that can suppress or prevent rotation of the container within the box. Such features are advantageous to ensure that the container can be oriented within the box to align with a window in the box such that a side of the container that includes trademarks, writings, or labels remains visible through the window. The present invention

includes a pressing structure which is spaced from a top lid and includes the features defined in Claim 1, such as a surface arranged to rest and press on the top of a container and substantially semiarch-shaped surfaces that securely retain laterally a lateral surface of the container, which, through their structural features, can aid in suppress or prevent rotation of the container.

Thus, the Applicant submits that the EP 0 699 588 A1 reference and the Lo Duca reference do not disclose or even suggest all of the limitations recited in independent Claim 1 of the present application. Therefore, these references do not anticipate or render obvious the invention recited in Claim 1. Accordingly, the Applicant respectfully requests the withdrawal of the art rejections of Claim 1.

The dependent claims are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

Newly added Claims 7-14 include features that render them allowable over the cited references. For example, independent Claim 7 advantageously recites, among other features, a second side wall and a fourth side wall that each includes an upper flap configured to form top supports spaced from said top lid. Additionally, independent Claim 14 advantageously recites, among other features, upper elongated flaps that are configured to form a pressing structure that is spaced from said top lid, and including such features as a surface arranged to rest and press on a top of the container inserted into the box and substantially semiarch-

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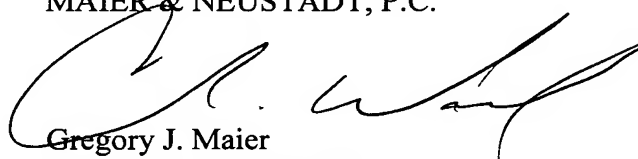
shaped edges configured to securely retain laterally a lateral surface of the container.

Accordingly, the newly added claims are believed to be in condition for allowance.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Christopher D. Ward  
Registration No. 41,367

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/01)

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